

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICIA LOCK,

Plaintiff,

Case No. 07-CV-14257

vs.

HON. GEORGE CARAM STEEH

ENCOMPASS INSURANCE
COMPANY, f/k/a
CONTINENTAL INSURANCE COMPANY,

Defendant.

_____ /

ORDER DENYING PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

This lawsuit seeks no-fault insurance benefits arising out of an automobile accident that occurred on June 25, 1997. Plaintiff Patricia Lock seeks attendant care benefits for care provided to her son Jimmy Lock ("Lock") since June 25, 2006. Before the court is plaintiff's motion for partial summary judgment as an undisputed fact that plaintiff did sustain a traumatic brain injury as a consequence of the June 25, 1997 accident. The defendant argues that this is an improper basis for summary judgment, but offers a proposed stipulation that states that the plaintiff did suffer traumatic brain injury as a consequence of the accident. The court agrees that this is an improper basis for summary judgment, but will submit the stipulation to the jury for consideration at the time of trial.

For the reasons stated above, IT IS ORDERED that Patricia Lock's motion for partial summary judgment (Doc. 63) hereby is DENIED.

SO ORDERED.

Dated: August 25, 2009

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
August 25, 2009, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk